

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STEVEN MOORE, D.C.,

Plaintiff

§

§

§

VS

§

§

§

§

EXAMWORKS, LLC,

Defendant

Case No. A-23-CV-511-JRN

ORDER

Before the Court in the above-entitled cause of action is the Report and Recommendation of United States Magistrate Judge Dustin Howell regarding Defendant's Motion to Dismiss (Dkt. 5), Defendant's Motion for Judgement on the Pleadings (Dkt. 6) and Defendant's Motion to Strike (Dkt. 15), and the associated response and reply briefs. Subsequently, because the matters referred by this Court for disposition turn on the adoption of those referred for report and recommendations, the Report and Recommendation of United States Magistrate Judge Dustin Howell regarding Defendant's Motion for Extension of Time to Complete Discovery (Dkt. 20)—originally referred for disposition—is also before the Court.

The Magistrate Judge filed his Report and Recommendation on February 7, 2024. Dkt. 36. After careful and thorough review of the case and the applicable law, the Magistrate Judge recommends that this Court **GRANT** Defendant's Motion to Dismiss (Dkt. 5) and **DENY AS MOOT** Defendant's Motion for Judgment on the Pleadings (Dkt. 6), Defendant's Motion to Strike (Dkt. 15), and Defendant's Motion for Extension of Time to Complete Discovery (Dkt. 20).

As noted, the Magistrate Judge issued his Report and Recommendation on February 7, 2024, and on the same date, both parties were served with copies of the Report and Recommendation by electronic means. A party may serve and file specific, written objections to a

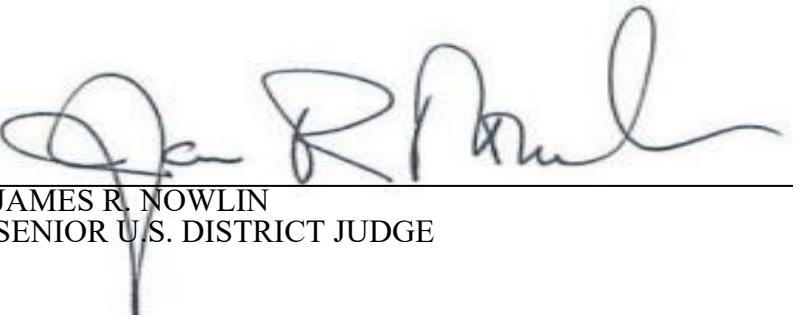
magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because the Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, and after careful consideration of Plaintiff's Objections (Dkt. 37), the Court overrules the objections and adopts the report and recommendation.

IT IS THEREFORE ORDERED that the Court hereby **ADOPTS** the Report and Recommendation that the United States Magistrate Judge has filed in this cause.

IT IS FURTHER ORDERED Defendant's Motion to Dismiss (Dkt. 5) is **GRANTED**.

IT IS FINALLY ORDERED that Defendant's Motion for Judgment on the Pleadings (Dkt. 6), Defendant's Motion to Strike (Dkt. 15), and Defendant's Motion for Extension of Time to Complete Discovery (Dkt. 20) are **DENIED AS MOOT**. This case is **CLOSED**.

SIGNED this 26th day of February, 2024.



JAMES R. NOWLIN
SENIOR U.S. DISTRICT JUDGE